

Exhibit “3”

Transcript of the Testimony of
David Jurcak

Date:

July 16, 2020

Case:

JULIA TEAGUE vs OMNI HOTELS MANAGEMENT

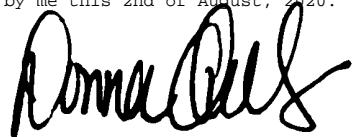
David Jurcak

July 16, 2020
Pages 14 to 17

<p style="text-align: right;">Page 14</p> <p>1 training?</p> <p>2 MS. APPLING: Objection; ambiguous.</p> <p>3 A. All the training would have been singular in</p> <p>4 it's entirety of discrimination, antidiscrimination.</p> <p>5 Q. (BY MR. KAPLAN) Who conducted the training?</p> <p>6 Do you recall?</p> <p>7 MS. APPLING: Objection; ambiguous.</p> <p>8 A. HR directors or -- HR directors.</p> <p>9 Q. (BY MR. KAPLAN) Okay. And do you remember</p> <p>10 just generally what the training told you about</p> <p>11 antipregnancy discrimination or anti-FMLA</p> <p>12 discrimination?</p> <p>13 A. I don't believe that those two discriminations</p> <p>14 terms would have been called out in that training. It</p> <p>15 would have been that there was no discrimination based</p> <p>16 upon standard EEOC, race, color, creed, sexual</p> <p>17 orientation, age, those types of discrimination.</p> <p>18 Q. Okay. And so did you receive any training</p> <p>19 specifically on antidiscrimination for pregnancy or</p> <p>20 FMLA?</p> <p>21 MS. APPLING: Objection; compound.</p> <p>22 A. Not -- nothing that I can remember particularly</p> <p>23 to the antidiscrimination for pregnancy or FMLA.</p> <p>24 Q. (BY MR. KAPLAN) Okay. Do you know why -- why</p> <p>25 you were not brought back to Barton Creek after you</p>	<p style="text-align: right;">Page 16</p> <p>1 pregnancy?</p> <p>2 MS. APPLING: Objection; form.</p> <p>3 A. No.</p> <p>4 Q. (BY MR. KAPLAN) Okay. And Omni didn't treat</p> <p>5 her differently than others with respect to pregnancy</p> <p>6 FMLA when it did not rehire her for the DOM position?</p> <p>7 MS. APPLING: Objection; form.</p> <p>8 A. I'm uncertain. I wasn't involved in any of</p> <p>9 that decision.</p> <p>10 Q. (BY MR. KAPLAN) Okay. What about when Omni --</p> <p>11 it was the case that Omni did not offer Julia a task</p> <p>12 force position, correct?</p> <p>13 MS. APPLING: Objection; form.</p> <p>14 A. Correct.</p> <p>15 Q. (BY MR. KAPLAN) Okay. And in not offering her</p> <p>16 a task force position, did Omni treat her differently in</p> <p>17 any way than others because of her pregnancy or FMLA</p> <p>18 leave?</p> <p>19 MS. APPLING: Objection; compound.</p> <p>20 Q. (BY MR. KAPLAN) You can go ahead.</p> <p>21 A. I believe I answered it. I -- I thought I</p> <p>22 answered it no, no.</p> <p>23 Q. And just to sum up, Omni did not treat her</p> <p>24 differently at all in any way with respect to her</p> <p>25 pregnancy or FMLA leave than other employees, correct?</p>
<p style="text-align: right;">Page 15</p> <p>1 departed initially the week of May 10?</p> <p>2 MS. APPLING: Objection; assumes facts not</p> <p>3 in evidence.</p> <p>4 A. It was a decision on behalf of Omni Hotels to</p> <p>5 not bring me back.</p> <p>6 Q. (BY MR. KAPLAN) Okay. And was anything</p> <p>7 communicated to you about why that decision was made?</p> <p>8 A. I had a conversation -- I had a conversation</p> <p>9 with our president and HR, corporate HR director in</p> <p>10 advance of that decision that I wanted to explore other</p> <p>11 opportunities, and then, they made the decision that it</p> <p>12 would be best that I leave Barton Creek.</p> <p>13 Q. Okay. Let me ask, in general, a question.</p> <p>14 Did Omni treat Julia Teague differently in</p> <p>15 any way because of her pregnancy?</p> <p>16 A. No.</p> <p>17 MS. APPLING: Objection; form.</p> <p>18 Q. (BY MR. KAPLAN) And did Omni treat Julia</p> <p>19 Teague differently in any way because she took FMLA</p> <p>20 leave?</p> <p>21 MS. APPLING: Objection; form.</p> <p>22 A. No.</p> <p>23 Q. (BY MR. KAPLAN) So let me ask this.</p> <p>24 Omni did not treat Julia Teague differently</p> <p>25 when it separated her employment on the basis of</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. APPLING: Objection; asked and</p> <p>2 answered.</p> <p>3 A. Correct.</p> <p>4 Q. (BY MR. KAPLAN) If the Barton Creek -- well,</p> <p>5 the Barton Creek initially -- strike that.</p> <p>6 The initial plan was that the Barton Creek</p> <p>7 Resort would stay open during the renovation, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. If the resort stayed open as planned,</p> <p>10 was Omni going to replace Teague in the DOM position?</p> <p>11 A. No.</p> <p>12 Q. Okay. And was Omni -- in that, if the resort</p> <p>13 stayed open as planned, was Omni going to revise the DOM</p> <p>14 position to change it in any way?</p> <p>15 MS. APPLING: Objection; speculation.</p> <p>16 A. No intent at the time, no.</p> <p>17 Q. (BY MR. KAPLAN) Okay. And if the resort was</p> <p>18 going to stay open as planned, was Omni going to hire</p> <p>19 someone else to assist with marketing or anyone else in</p> <p>20 marketing?</p> <p>21 MS. APPLING: Objection; speculation.</p> <p>22 A. There may have been additional people that we</p> <p>23 would have hired.</p> <p>24 Q. (BY MR. KAPLAN) Is there --</p> <p>25 A. I -- I -- it's hard for me to answer. I can't</p>

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<p>1 I, DAVID JURCAK, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted on the correction 4 page.</p> <p>5 _____ 6 DAVID JURCAK</p> <p>7</p> <p>8 THE STATE OF TEXAS) 9 COUNTY OF _____)</p> <p>10 Before me _____ on 11 this day personally appeared, DAVID JURCAK, known to me 12 (or proved to me under oath or through 13 _____) (description of identity 14 card or other document) to be the person whose name is 15 subscribed to the foregoing instrument and acknowledged 16 to me that they executed the same for the purposes and 17 consideration therein expressed.</p> <p>18 Given under my hand and seal of office this 19 _____ day of _____, 2020.</p> <p>20 _____ 21 NOTARY PUBLIC IN AND FOR 22 THE STATE OF T E X A S</p> <p>23 My Commission Expires: 24 _____ 25</p>	<p>1 That pursuant to the information given to the deposition 2 officer at the time said testimony was taken remotely, 3 the following includes counsel for all parties of 4 record:</p> <p>5 MR. AUSTIN KAPLAN, 6 ATTORNEY FOR THE PLAINTIFF. 7 MR. ANDREW B. COOPER, 8 ATTORNEY FOR THE DEFENDANT.</p> <p>9 That \$_____ is the deposition officer's 10 charges to the Plaintiff for preparing the original 11 deposition transcript and any copies of exhibits;</p> <p>12 I further certify that I am neither counsel for, 13 related to, nor employed by any of the parties in the 14 action in which this proceeding was taken, and further 15 that I am not financially or otherwise interested in the 16 outcome of the action.</p> <p>17 Certified to by me this 2nd of August, 2020.</p> <p>18  19 20 21 Donna Qualls 22 Notary Public in and for 23 The State of Texas 24 My Commission expires 11/02/2022 25 Firm Registration No. 631 Kim Tindall & Associates, LLC 16414 San Pedro, Suite 900 San Antonio, Texas 78232 Phone: (866) 672-7880</p>
<p style="text-align: right;">Page 187</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE WESTERN DISTRICT OF TEXAS 3 AUSTIN DIVISION</p> <p>4 JULIA TEAGUE, § Plaintiff, § § v. § CIVIL ACTION NO. § 1:19-cv-940</p> <p>6 OMNI HOTELS MANAGEMENT § 7 CORPORATION, and § 8 TRT HOLDINGS, INC. § 9 Defendants. §</p> <p>10</p> <p>11 REPORTER'S CERTIFICATION 12 DEPOSITION OF DAVID JURCAK 13 JULY 16, 2020</p> <p>14 I, Donna Qualls, Shorthand Reporter and Notary 15 Public in and for the State of Texas, hereby certify to 16 the following:</p> <p>17 That the witness, DAVID JURCAK, was duly sworn by 18 the officer and that the transcript of the oral 19 deposition is a true record of the testimony given by 20 the witness;</p> <p>21 That the deposition transcript was submitted on 22 _____ to the witness or to the attorney for 23 the witness for examination, signature and return to Kim 24 Tindall & Associates, LLC, by _____;</p> <p>25 That the amount of time used by each party at the deposition is as follows:</p> <p>MR. AUSTIN KAPLAN.....03 HOUR(S) :46 MINUTE(S) MS. TAYLOR APPLING.....00 HOUR(S) :01 MINUTE(S)</p>	